

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERNON L. WALKER,

No. C 12-6059 SI

Plaintiff,

**AMENDED ORDER TO SHOW CAUSE
WHY CASE SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE**

v.

SHERIFF G.J. AHERN, CAPT. K. JACKSON,
LT. JAMES, DEPUTY TRACY, and DEPUTY
POSEDEL,

Defendants.

Pro se plaintiff Walker filed this action against defendants, and on his complaint Walker listed as his address the address of the Glenn Dyer Detention Facility in Oakland, California. This Court sent notices to that facility, and on January 16, 2013, two clerk's notices were returned as undeliverable and marked "not in custody." *See* Docket Nos. 11, 12; *see also* Docket No. 6, Ex. A (defendants' filing was also returned as undeliverable).

Plaintiff's response to defendants' motion to dismiss was due by January 22, 2013, and the hearing was scheduled for February 22, 2013. The envelope in which defendants mailed plaintiff a copy of the motion was returned undeliverable. Plaintiff did not file an opposition to that motion, nor did plaintiff request an extension of time.

Accordingly, the Court issued an Order on February 6, 2013, directing plaintiff to show no later than March 22, 2013 why this case should not be dismissed without prejudice for failure to prosecute and for failure to keep the Court informed of his correct address. *See* Fed. R. Civ. Proc. 41(b); Local Rule 11 (requiring a *pro se* party whose address changes to promptly file with the Court a Notice of Change of

1 Address specifying the new address and allowing the Court to dismiss a complaint without prejudice if the Court
2 fails to receive the notice within 60 days of mail being returned as undeliverable).

3 On February 20, 2013, defendants filed with the Court a notice of receipt of plaintiff's
4 declaration of service by mail indicating a possible new address. In that declaration, plaintiff listed his
5 address as:

6 Vernon Walker
7 CDCR # F68213, Cell # I.H. 66L
8 San Quentin State Prison
9 San Quentin, CA 94974

10 The Court has not received any response from plaintiff that informs the Court of his correct
11 address or explains why this case should not be dismissed. Accordingly, plaintiff is **ORDERED TO**
12 **SHOW CAUSE in writing no later than March 29, 2013, why this case should not be dismissed**
13 **without prejudice for failure to prosecute and for failure to keep the Court informed of his correct**
14 **address.** This Order to Show Cause will be served on plaintiff at the San Quentin address supplied by
15 defendants. If plaintiff satisfactorily responds to this Order and wishes to proceed with this lawsuit, and
16 informs the Court of his correct address, the Court will set a new briefing schedule and hearing date on
17 defendants' motion to dismiss.

18 **If plaintiff does not respond, this action will be dismissed without prejudice.**

19 **IT IS SO ORDERED.**

20 Dated: March 6, 2013

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SUSAN ILLSTON
23 United States District Judge
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